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Via Electronic Mail

June 30, 2020

Dr. Josh Smeraldi
USEPA – Region II
Emergency and Remedial Response Division
290 Broadway, 19th Floor
New York, NY 10007

Re: USEPA June 23, 2020 FS Comments
Riverside Industrial Park Superfund Site - Essex County, Newark, New Jersey
CERCLA Docket No. 02-2014-2011

Dear Dr. Smeraldi:

On behalf of PPG Industries, Inc. ("PPG"), I am writing in response to the proposed revisions USEPA provided on June 23, 2020 for the Riverside Industrial Park Superfund Site (the "Site") Feasibility Study Report ("FSR").

As we discussed with you on our June 25, 2020 call, many of USEPA's June 23 revisions are unsupported by evidence or the findings of the USEPA-approved Remedial Investigation ("RI"). In particular, USEPA's revisions attributing metals in groundwater at the Site to anything other than historic fill have no factual or technical basis and are unsupported by the RI. USEPA's significant revisions to the proposed remedies for metals in groundwater are therefore unsupported by the record, and consequently are arbitrary and capricious. These issues are compounded by the fact that USEPA unilaterally proposed these significant revisions, without notice, at the very end of what had been a collaborative FS drafting process. For these reasons, many of USEPA's proposed revisions cannot be incorporated wholesale into the FSR. To the extent USEPA's comments are supported by the RI or the evidentiary record, they have been incorporated or are already reflected in other sections of the FS.

We ask that USEPA consider this response in the context of the history of cooperation between PPG and USEPA at the Site. PPG – as the only one of more than a dozen parties to step up and perform the RI/FS – has cooperated with USEPA in good faith throughout the RI/FS process. As a result, USEPA and PPG have worked collaboratively to develop a mutual understanding regarding the scope of the RI/FS, as reflected in previous USEPA-approved documents such as the RI/FS Work Plan, the Site Characterization Summary Report ("SCSR"), the SCSR Addendum, and the RI report ("RIR"). PPG has also cooperated in modifying the RI/FS schedule to accommodate potential Site redevelopment, at considerable expense.

Additional detail is below, including responses to certain technical aspects of USEPA's June 23 proposed revisions. If more information is required, we request that USEPA and PPG meet to further discuss these issues.

A. Attribution of Metals Impacts in Groundwater

On Page 2-23 of its June 23 comments, USEPA proposed the following addition to the FSR:

> Elevated levels of lead in the shallow groundwater were observed in monitoring wells in the vicinity of Building #7 and are co-located with elevated lead levels in the soil/fill. At a minimum, shallow groundwater in the vicinity of building #7 has likely been impacted by the former PPG lead-based paint manufacturing operations.

However, this and similar revisions are not supported by evidence or findings from the USEPA-approved RIR. *First*, a statistical analysis of shallow fill groundwater lead concentrations shows that the lead concentrations in this area are not materially elevated relative to the rest of the Site.[1] A comparison of the averages and 95% Upper Confidence Level ("UCL")of the two groups found that the Building #7 concentrations (Group 1) were not significantly higher than the other wells:[2]

Groundwater Lead[3]	Average (ug/L)	95% UCL (ug/L)
Lot 63/Building #7	36.7	63.2
Others	33.1	140

Second, the USEPA-approved RIR did not determine that metals in groundwater are related to Site operations. Likewise, the RIR did not conclude that metals impacts in groundwater are attributable to anything other than the historic fill throughout the Site. As USEPA knows, historic fill in New Jersey commonly contains elevated levels of metals, including lead. In fact, USEPA already has recognized that metals in Site groundwater are attributable to historic fill and are not site-related impacts: the USEPA-approved RI/FS Workplan identifies three areas of groundwater contamination that are potentially related to historic releases of chlorinated VOCs and PAHs – ***not*** metals. [RI/FS Workplan at 4-26, 4-27.] As for metals, the USEPA-approved RI/FS Workplan states "These areas also have identified groundwater contaminants such as metals and SVOCs that have been attributed to historical fill and not a site release." [RI/FS Work Plan (July 18, 2017) at 4-27.] Further, shallow groundwater monitoring wells were screened in historic fill, and USEPA required PPG to take unfiltered groundwater samples. [RIR at 8-2.] Not surprisingly, unfiltered groundwater samples taken from within historic fill showed elevated concentrations of metals, including lead. Such sampling results do not provide a basis for attributing metals in groundwater to Site operations.

Third, the USEPA-approved RIR does not attribute any groundwater impacts to specific operations, operators, or releases. Instead, the RIR provides that "[t]he identified groundwater impacts may be attributed to a combination of the fill material and other contaminant sources, including current and historical on-site industrial activities." [RIR at 7-2.] Such findings do not provide a factual or technical basis for attributing lead or other metals in groundwater to specific operators, including PPG, at the thirteenth hour of the FS process.

B. Consideration of Lead in Groundwater Alternatives

In the June 8, 2020 draft of the FSR, PPG included a groundwater alternative (Groundwater Alternative 5 in USEPA's June 23 comments), which combined institutional controls, containment at the Site perimeter, and

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[1] Specifically, the analysis divided the monitoring wells into two groups. Group 1 consisted of wells within the Building #7 soil removal footprint developed by USEPA (plus MW-112, adjacent to footprint) while Group 2 consisted of the remaining wells. MW-124 was excluded because it may not be in historic fill.

[2] Even if lead in surface soil were Site-related, lead is classified as immobile in soil under NJDEP technical guidance due to low transport potential and high soil adsorption coefficients. New Jersey Department of Environmental Protection, 2014, Guidance Document, Capping of Inorganic and Semivolatile Contaminants for the Impact to Ground Water Pathway (Volume 1.0), March; New Jersey Department of Environmental Protection, 2008, Guidance for the Evaluation of Immobile Chemicals for the Impact to Ground Water Pathway, June 2.

[3] As presented by USEPA in their May 2020 figure, the maximum lead concentration in each monitoring well were used in developing the average and 95% UCL. When the maximum was a duplicate sample, their average was used. The sample reporting limit was used for non-detect results.

in-situ remediation focused on VOCs. [USEPA June 23 Comments at 5-16.] USEPA rejected Groundwater Alternative 5 because it "will not address lead, which is a Site-related contaminant."[4] [USEPA June 23 Comments at 5-11.] Instead, USEPA proposed a number of groundwater remedial alternatives designed to address lead in shallow groundwater.[5]

Groundwater Alternative 5 in combination with Soil/Fill Alternatives 2 through 5 would have a positive impact on groundwater quality, which could also reduce the scope of groundwater remediation required. USEPA's revisions to the groundwater remedial alternatives are arbitrary and capricious. As stated above, there is no evidentiary basis to conclude that lead in groundwater is the result of a release (*i.e.,* a "Site-related contaminant"). USEPA cannot ignore evidence – including in the USEPA-approved RIR – that lead impacts in shallow groundwater are attributable to historic fill. Groundwater impacts from historic fill are not attributable to releases and are not actionable under CERCLA. USEPA's rejection of Groundwater Alternative 5, and its evaluation of groundwater alternatives on the basis of how the alternatives address lead in shallow groundwater, are therefore arbitrary and capricious. Groundwater Alternative 5 should be added back into the FSR, and candidly, selected by USEPA as the remedy for groundwater at the Site.

Thank you for your consideration of our responses. PPG remains committed to working with USEPA to complete the RI/FS. If additional information is required, we request that USEPA and PPG meet to further discuss these issues.

Sincerely,

WOODARD & CURRAN, INC.

Kenneth J. Bird, LSRP
Vice President

cc: Mr. Scott Krall - PPG

[4] Groundwater Alternative 5 includes a vertical barrier wall which, based on Site conditions and contrary to USEPA's comments, would accomplish the RAO of preventing or minimizing discharge of groundwater containing COPCs to surface water to minimize the potential for interaction between the Site and the Passaic River. Institutional controls in Groundwater Alternative 5 also address lead.

[5] There were no metals exceedances in deep groundwater. USEPA revisions suggesting otherwise, including FS Figures 5-7, 5-8, and 5-9, are incorrect.